THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7597 OF 2002

3rd AUGUST, 2006

BETWEEN

Gosula Ganesh and others.

… Petitioners

vs.

The Revenue Divisional Officer, and another.

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.7597 OF 2002

ORDER:

The four petitioners are aggrieved by the action of the first respondent in initiating the proceedings purportedly under A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, for deleting the names of the petitioners from the Record of Tenancy (Protected Tenancy Register, for brevity). The petitioners contend that they are legal heirs of Muthaiah, who was allegedly protected tenant in respect of the lands in survey No.113 to 120 situated at Karmanghat village and whose name was entered in the Protected Tenancy Register as well as Khasra Pahani for the year 1954-1955. The second respondent herein appears to have staked his claim for the property and approached the first respondent for deletion of the names of the petitioners and the same was entertained by the first respondent in file No.L/135/2002. Even before the first respondent could issue notice, the present writ petition is filed seeking a direction restraining the first respondent from proceeding further.

This Court has been taken through various provisions of the Act

as well as the A.P. (Telangana Area) Tenancy and Agricultural Land Rules, 1950 (Notification No.41, dated 17.08.1950) in support of the contention that it is only the Tahsildar, who can rectify the entries or amend the entries in the Record of Tenancy and that RDO has no jurisdiction to entertain the same. The submission has force and commends itself to this Court.

The writ petition is allowed giving liberty to the second respondent to approach appropriate authority for rectification of the entries. However, this order shall not in any manner is intended to decide the right, title or interest of the petitioners or to deny any right of the second respondent. No costs.

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(V.V.S.RAO,J)

03.08.2006
pln